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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 21, 2004 Name: Kent E. Genin

Signature: [Signature]

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: G. Baran

Appln. No.: 10/607,246

Filed: June 25, 2003

For: Nebulizing Catheter System And Methods  
Of Use And Manufacture

Attorney Docket No: 6298/432

Examiner:

Art Unit: 3761

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Second Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of References C1-C2
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+ \$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

July 21, 2004  
Date

Respectfully submitted,

[Signature]  
Kent E. Genin (Reg. No. 37,834)



**CERTIFICATE OF MAILING**

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7/21/2004

Date of Deposit

Kent E. Genin

Name of Applicant, Assignee or  
Registered Representative

Kent E. Genin

Signature

7/21/2004

Date of Signature

Our Case No.: 6298/432

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

G. Baran

Serial No.: 10/607,246

Filing Date: June 25, 2003

For: NEBULIZING CATHETER  
SYSTEM AND METHODS OF USE  
AND MANUFACTURE

Examiner: Unknown

Group Art Unit No.: 3761

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Second Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by

the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

**U.S. PATENTS**

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,735,620	04/05/1988	Ruiz

**OTHER ART**

Copy of European Search Report for Application No. 0400833.47 dated May 19, 2004

In accordance with 37 C.F.R. § 1.97(g),(h), this Second Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

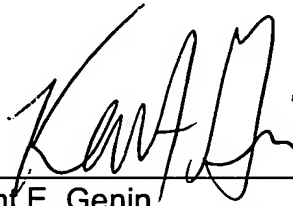
This Second Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Second Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that each item of the information disclosed in this Second Supplemental Information Disclosure

Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed search report.

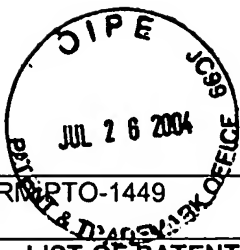
Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kent E. Genin', is written over a horizontal line.

Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/607,246	CASE NO. 6298/432
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 25, 2003	GROUP ART UNIT 3761
(use several sheets if necessary)	APPLICANT(S): G. Baran	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	4,735,620	04/05/1988	Ruiz		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	C2	Copy of European Search Report for Application No. 0400833.47 dated May 19, 2004

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.